

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**METLIFE INVESTORS USA
INSURANCE COMPANY**

Plaintiff,

v.

**REGIONALD J. CHARLTON,
JAMES JOSEPH HAYNES and
VELINA HAYNES JOHNSON**

Defendants.

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CIVIL ACTION NO. 4:13-CV-387

JOINT DISCOVERY/CASE MANAGEMENT PLAN

1. State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party.

RESPONSE:

Andrew C. Whitaker
Figari & Davenport, L.L.P.
3400 Bank of America Plaza
901 Main Street
Dallas, Texas 75202
(Representing Interpleader Plaintiff Metlife Investors USA Insurance Co.
“MLIUSA”)

Ryan Cantrell
Chamberlain, Hrdlicka, White, Williams & Aughtry
1200 Smith Street, Suite 1400
Houston, Texas 77002
(Representing Defendants James Joseph Haynes and Velina Haynes
Johnson)

Patricia Garcia Billings
SBOT NO. 24071984
107 W. First Street, Suite 201
Humble, Texas 77338
(representing Defendant Regionald Charlton)

Counsel discussed via telephone and via email on May 20-21, 2013.

2. List the cases related to this one that are pending in any state or federal court with the case number and court.

RESPONSE:

Regionald J. Charlton v. James Joseph Haynes, et. al, Case No. 418,570, in Probate Court No. 1, Harris County, Texas

3. Specify the allegation of federal jurisdiction.

RESPONSE:

Plaintiff alleges jurisdiction is proper pursuant to 28 U.S.C. § 1332 and 2201 as an interpleader action and on the basis of diversity of citizenship.

4. Name the parties who disagree and the reasons.

RESPONSE:

Defendants Haynes and Johnson agree jurisdiction is proper. Defendant Charlton has contested jurisdiction in his Answer to Plaintiff's Interpleader Complaint.

5. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

RESPONSE:

The parties do not believe any additional parties are necessary at this time.

6. List anticipated interventions.

RESPONSE:

None.

7. Describe class-action issues.

RESPONSE:

None.

8. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

RESPONSE:

The parties will make the initial disclosures within fourteen (14) days of the Rule 26(f) conference required by Rule 26(a).

9. Describe the proposed agreed discovery plan, including:

A. Responses to all the matters raised in Rule 26(f).

RESPONSE:

The parties will make the initial disclosures within fourteen (14) days of the Rule 26(f) conference required by Rule 26(a).

B. When and to whom the plaintiff anticipates it may send interrogatories.

RESPONSE:

None.

C. When and to whom the defendant anticipates it may send interrogatories.

RESPONSE:

The parties anticipate sending interrogatories and request for production within sixty to ninety (90) days.

D. Of whom and by when the plaintiff anticipates taking oral depositions.

RESPONSE:

None.

E. Of whom and by when the defendant anticipates taking oral depositions.

RESPONSE:

Defendants Haynes and Johnson anticipate the oral deposition of Regionald Charlton and a corporate representative for MLIUSA within thirty days of receipt of Defendants' responses to request for production. Defendant Regionald Charlton anticipates taking the deposition of Defendants Haynes and Johnson and a corporate representative for MLIUSA.

F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.

RESPONSE:

The parties do not anticipate designating experts on any issues other attorneys' fees.

G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

RESPONSE:

The parties do not anticipate designating experts on any issues other attorneys' fees.

- H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

RESPONSE:

The parties do not anticipate designating experts on any issues other attorneys' fees.

10. If the parties are not agreed on a part of the discovery plan, described the separate views and proposals of each party.

RESPONSE:

Interpleader Plaintiff MLIUSA is seeking dismissal from this lawsuit and does not anticipate participating in any discovery. Defendants are willing to agree to Plaintiff's dismissal so long as Plaintiff is still available to participate in discovery as necessary.

11. Specify the discovery beyond initial disclosures that has been undertaken to date.

RESPONSE:

Interpleader Plaintiff has voluntarily provided its claims file to all parties. Defendants have also engaged in written discovery in the related probate action.

12. State the date the planned discovery can reasonably be completed.

RESPONSE:

It is anticipated that all discovery can be completed by October 18, 2013.

13. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

RESPONSE:

The parties have discussed mediation in a related action that may also resolve the issues herein.

14. Describe what each party has done or agreed to do to bring about a prompt resolution.

RESPONSE:

The parties have discussed mediation in a related action that may also resolve the issues herein.

15. From the attorneys' discussion with the clients, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.

RESPONSE:

The parties have discussed mediation in a related action that may also resolve the issues herein.

16. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a Magistrate judge.

RESPONSE:

The parties do not jointly agree to trial before a Magistrate Judge.

17. State whether a jury demand has been made and if it was made on time.

RESPONSE:

No party has demanded a jury.

18. Specify the number of hours it will take to present the evidence in this case.

RESPONSE:

Defendants Haynes and Johnson believe that no more than two (2) days of evidence will be necessary.

19. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

RESPONSE:

None.

20. List other motions pending.

RESPONSE:

None.

21. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the Court at the conference.

RESPONSE:

Defendants Haynes and Johnson believe there are none.

Defendant Charlton contests jurisdiction in this Court.

22. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments.

RESPONSE:

Defendants will file their Disclosure of Interested Parties contemporaneously with their Initial Disclosures.

23. List the names, bar numbers, addresses and telephone numbers of all counsel.

RESPONSE:

Brett T. Berly
State Bar No. 24050288
C. Larry Carbo, III
State Bar No. 24031916
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Respectfully submitted,

CHAMBERLAIN, HRDLICKA, WHITE,
WILLIAMS & AUGHTRY

By /s/ Ryan Cantrell
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ATTORNEYS FOR DEFENDANTS,
JAMES JOSEPH HAYNES AND
VELINA HAYNES JOHNSON

By /s/ Patricia Billings*
Patricia Garcia Billings
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Humble, Texas 77338

ATTORNEY FOR DEFENDANT,
REGIONALD CHARLTON

* by permission 5-21-13

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument was forwarded to the following counsel of record on this the 21st day of May 2013 in accordance the Court's ECF filing requirements:

Patricia Garcia Billings
107 W. First Street, Suite 201
Humble, Texas 77338

Andrew C. Whitaker
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901 Main St.
Dallas, TX 75202

/s/ Ryan Cantrell